

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

RONALD BRITT-BEY, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 4:07CV855 CDP
	)	
MEDICAL DEPARTMENT	)	
PERSONNEL,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court for review of plaintiffs' complaint pursuant to 28 U.S.C. § 1915(e)(2)(B). After review, the Court finds that the action is frivolous and should be dismissed.

**28 U.S.C. § 1915(e)**

Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court may dismiss a complaint filed in forma pauperis at any time if the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief against a defendant who is immune from such relief. An action is frivolous if "it lacks an arguable basis in either law or in fact." Neitzke v. Williams, 490 U.S. 319, 328 (1989). An action fails to state a claim upon which relief can be granted if it appears beyond doubt that the

plaintiff can prove no set of facts in support of his claim which would entitle him to relief. Conley v. Gibson, 355 U.S. 41, 45-46 (1957).

In reviewing a pro se complaint under § 1915(e)(2)(B), the Court must give the complaint the benefit of a liberal construction. Haines v. Kerner, 404 U.S. 519, 520 (1972). The Court must also weigh all factual allegations in favor of the plaintiff, unless the facts alleged are clearly baseless. Denton v. Hernandez, 504 U.S. 25, 32-33 (1992); Scheuer v. Rhodes, 416 U.S. 232, 236 (1974).

### **The Complaint**

Plaintiffs bring this action under 42 U.S.C. § 1983 against several unknown medical department workers at St. Louis City Justice Center. Plaintiffs seek monetary and injunctive relief.

Plaintiffs allege that several unknown medical workers have engaged in a “chicken pox hoax” designed to defraud the United States of federal funds and to “line the pockets” of the medical workers. Plaintiffs allege that, in order to further this chicken pox hoax, defendants confine innocent persons in St. Louis County Justice Center on false criminal charges.

The complaint is factually frivolous in that the alleged facts are fantastic and delusional. Denton, 504 U.S. at 33. Additionally, the complaint should be dismissed because it fails to name any defendant and, as a result, it would not be possible to


serve process on any defendant. Consequently, the complaint shall be dismissed without prejudice.

Accordingly,

**IT IS HEREBY ORDERED** that this case shall be **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B).

An appropriate order of dismissal shall accompany this Memorandum and Order.

Dated this 24th day of May, 2007.

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE